

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARVIN ECHOLS,

Plaintiff,

Case No. 15-cv-11781

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

WINGATE MANAGEMENT, INC., et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
PLAINTIFF'S COMPLAINT**

On May 19, 2015, Plaintiff Marvin Echols filed a pro se Complaint alleging that Defendants¹ “willfully violate[d] [his] statutory and other federal civil rights.” Pl.’s Compl. 1, ECF No. 1. Echols cites a number of federal statutes and cases and makes numerous references to discrimination on the basis of his race.

On June 16, 2015, Magistrate Judge Patricia T. Morris issued a report recommending that Plaintiff’s Complaint be dismissed *sua sponte* as to Defendants Kelly, 74th District Court in Bay City, and the Michigan State Housing Development Authority “because Plaintiff has failed to state a claim upon which relief can be granted with respect to those defendants.” Rep. & Rec. 1, ECF No. 6. Echols did not object to the Report. The Report was adopted and Defendants Kelly, 74th District Court in Bay City, and the Michigan State Housing Development Authority were dismissed with prejudice.

¹ Echols names a number of parties as Defendants in this matter. The list includes: Wingate Management, Inc., d/b/a Bradley House; Bradley House; Darla Penbroke; Tiffany Wright; Michigan State Housing Development Authority; Judge Timothy Kelly; and the 74th District Court in Bay City. It is possible that Echols intended to bring suit against additional parties since he includes “et al.” in his caption in numerous locations. The individuals listed are the only individuals identified, however.

On September 25, 2015, the remaining Defendants, Darla Penbroke, Tiffany Wright, Wingate Management, Inc., and Bradley House (“Moving Defendants”) filed a motion to dismiss. Judge Morris directed Echols to respond to the Moving Defendants’ motion. He did not. Judge Morris then directed Echols to show cause as to why his case should not be dismissed for failure to prosecute. Echols once more did not respond.

On March 30, 2016, Judge Morris issued a Report recommending that the Moving Defendants’ motion be denied as moot and Echols’ case dismissed in its entirety for failure to prosecute. Echols did not file an objection to the Report.

Although the Magistrate Judge’s report explicitly stated that the parties to this action may object to and seek review of the recommendations within fourteen days of service of the Report, neither Plaintiff nor Defendants filed any objections. The election not to file objections to the Magistrate Judge’s report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge’s report and recommendation, ECF No. 21, is **ADOPTED**.

It is further **ORDERED** that Defendants Bradley House, Wingate Management, Inc., Penbroke, and Wright’s Motion to Dismiss, ECF No. 16, is **DENIED as moot**.

It is further **ORDERED** that Plaintiff’s Complaint, ECF No. 1, is **DISMISSED with prejudice**.

Dated: May 11, 2016

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 11, 2016.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager